

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6080

BILL NUMBER: HB 1007

NOTE PREPARED: Nov 5, 2009

BILL AMENDED:

SUBJECT: Domestic Battery.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill increases the penalties for domestic battery. It also makes a technical correction.

Effective Date: July 1, 2010.

Explanation of State Expenditures: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail or if an offender is incarcerated in a state prison for a longer period of time.

The bill increases domestic battery from a Class A misdemeanor to a Class D felony. It also increases from a Class D felony to a Class C felony the enhanced penalty for a prior, unrelated conviction or committing the offense in the presence of a child less than 16 years of age.

A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging from 2 to 8 years. The period of incarceration will depend upon mitigating and aggravating circumstances. More offenders could mean increased costs to the Department of Correction (DOC). The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders, approximately two years.

Background Information: Commitment data for state correctional facilities for Class D felony domestic battery, the enhanced penalty, shows an increase of the number of people committed for this offense between 2005 and 2008.

CY	2005	2006	2007	2008
Number of Commitments	65	82	178	219

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. However, no change would likely occur in state revenue as a result of the change in the enhanced penalty since criminal fines and court fees are the same for either Class D or C felonies.

Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: No additional revenues would be expected since the court fees for felonies and misdemeanors are both \$120.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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